

[Submitting Counsel on Signature Page]

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

IN RE JUUL LABS, INC.,  
MARKETING, SALES PRACTICES,  
AND PRODUCTS LIABILITY  
LITIGATION

Case No. 19-md-02913-WHO

TRIAL TESTIMONY AND EXHIBITS  
FROM THE VIDEOTAPED TESTIMONY  
OF BRUCE HARTER, JLI CONSULTANT,  
PLAYED AT TRIAL

This Document Relates to:

*San Francisco Unified School District v.  
Juul Labs, Inc. et al.*, Case No. 3:19-cv-  
08177

Plaintiff, by and through its undersigned attorneys, hereby docket the following:

1. **Exhibit 1** is a report of the videotaped testimony of Bruce Harter, JLI Consultant, that was played to the jury on May 3, 2023. The testimony in blue 00:27:57 and light blue 00:00:00 Plaintiff's affirmative and counter-counter designations.
2. **Exhibit 2**: is a *Joint Stipulation Identifying Trial Exhibits Used In Videotaped Depositions of Bruce Harter Played at Trial* that sets forth all of the Trial Exhibits from the videotaped testimony of Bruce Harter admitted into evidence by the Court.

Respectfully submitted,

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# **EXHIBIT 1**

# HARTER, BRUCE - SFUSD FINAL\_PLAYED 05-03-23

## Designation List Report



**Harter, Bruce**

**2021-02-18**

**Harter, Bruce**

**2021-02-19**

PLF AFFIRMATIVE

00:27:57

DEF COUNTER

00:00:10

**TOTAL RUN TIME**

**00:28:07**



Documents linked to video:

HARTER336

HARTER354

HARTER355

HARTER356

HARTER358

HARTER364

HARTER373



## HB\_v12 - HARTER, BRUCE - SFUSD FINAL\_PLAYED 05-03-23

DESIGNATION	SOURCE	DURATION	ID
14:14 - 14:14	<b>Harter, Bruce 2021-02-18_WIT</b> 14:14 Q. Good morning, sir.	00:00:01	HB_v12.1
14:15 - 14:18	<b>Harter, Bruce 2021-02-18_WIT</b> 14:15 A. Good morning. 14:16 Q. Would you state your full name 14:17 for the record, please. 14:18 A. Bruce Harter.	00:00:07	HB_v12.2
15:03 - 15:05	<b>Harter, Bruce 2021-02-18_WIT</b> 15:03 Q. You formerly did certain work 15:04 for JUUL Labs, Inc., correct? 15:05 A. Yes.	00:00:07	HB_v12.3
26:09 - 26:12	<b>Harter, Bruce 2021-02-18_WIT</b> 26:09 Q. You previously 26:10 worked as a school superintendent in 26:11 California, correct? 26:12 A. That is correct.	00:00:06	HB_v12.4
26:22 - 27:01	<b>Harter, Bruce 2021-02-18_WIT</b> 26:22 Before you began doing work for 26:23 JUUL, what was the last job you had held as a 26:24 school superintendent? 26:25 A. I was employed by West 27:01 Contra Costa Unified School District.	00:00:15	HB_v12.5
31:07 - 31:16	<b>Harter, Bruce 2021-02-18_WIT</b> 31:07 Q. All right. So you left West 31:08 Contra Costa Unified School District in June 31:09 of 2016. When did you initially start doing 31:10 work for JUUL? 31:11 A. I initially started working for 31:12 JUUL in December of 2017. 31:13 Q. So roughly a year and a half 31:14 after your last job as a school 31:15 superintendent, correct? 31:16 A. Yes.	00:00:33	HB_v12.6
78:05 - 78:11	<b>Harter, Bruce 2021-02-18_WIT</b> 78:05 Q. Before you signed 78:06 up to serve as a consultant for JUUL, had you 78:07 ever yourself, Bruce Harter, developed any 78:08 sort of youth prevention curricula around	00:00:24	HB_v12.7

**HB\_v12 - HARTER, BRUCE - SFUSD FINAL\_PLAYED 05-03-23**

DESIGNATION	SOURCE	DURATION	ID
	78:09 tobacco or e-cigarettes or drugs?		
	78:10 A. I had not. I did have a degree		
	78:11 in curriculum development, however.		
117:05 - 117:11	<b>Harter, Bruce 2021-02-18_WIT</b>	00:00:20	HB_v12.8
	117:05 In the time you worked with JUUL, did		
	117:06 you hear from many school administrators in		
	117:07 many school districts from around the country		
	117:08 that they were all having significant		
	117:09 problems with students using electronic		
	117:10 cigarettes, including JUUL, on their		
	117:11 campuses?		
117:15 - 118:02	<b>Harter, Bruce 2021-02-18_WIT</b>	00:00:30	HB_v12.9
	117:15 A. Yes, I did.		
	117:16 BY MR. KIEFFER:		
	117:17 Q. All right. This was in no way		
	117:18 a problem that was just confined to the		
	117:19 San Francisco Bay area?		
	117:20 A. No, it was not.		
	117:21 Q. Did you hear the problem		
	117:22 described as a youth vaping epidemic?		
	117:23 A. I had heard that terminology.		
	117:24 Q. And in the time that you worked		
	117:25 with JUUL, did you yourself come to the		
	118:01 conclusion that, indeed, there was a youth		
	118:02 vaping epidemic in the United States?		
118:04 - 118:09	<b>Harter, Bruce 2021-02-18_WIT</b>	00:00:14	HB_v12.10
	118:04 A. Well, I'm not exactly sure		
	118:05 what's meant by an epidemic. What I came to		
	118:06 understand is that it was a significant		
	118:07 problem for middle school and high school		
	118:08 administrators in many, many school districts		
	118:09 throughout the country.		
122:15 - 122:24	<b>Harter, Bruce 2021-02-18_WIT</b>	00:00:31	HB_v12.11
	122:15 Q. Sir, when you began your work		
	122:16 on behalf of JUUL, one of the early things		
	122:17 you did was you conducted some focus groups		
	122:18 with high school students, right?		
	122:19 A. I did one early on; I did one		
	122:20 much later.		

**HB\_v12 - HARTER, BRUCE - SFUSD FINAL\_PLAYED 05-03-23**

DESIGNATION	SOURCE	DURATION	ID
	122:21 Q. Okay. You did one at San		
	122:22 Andreas High, and then you did another one at		
	122:23 a Millennial High School; is that right?		
	122:24 A. That's correct.		
129:23 - 130:08	<b>Harter, Bruce 2021-02-18_WIT</b>	00:00:29	HB_v12.12
	129:23 Q. Prior to doing this		
	129:24 focus group at Millennial High School, had		
	129:25 you had any training in conducting a focus		
	130:01 group on the topic of youth tobacco or		
	130:02 nicotine use prevention?		
	130:03 A. I had none.		
	130:04 Q. Had you ever done a focus group		
	130:05 before, yourself, as the moderator, on the		
	130:06 topic of youth tobacco or nicotine use		
	130:07 prevention?		
	130:08 A. I had not.		
280:13 - 280:15	<b>Harter, Bruce 2021-02-18_WIT</b>	00:00:08	HB_v12.13
	280:13 The work you did for JUUL, you were		
	280:14 ultimately paid for all of that, right?		
	280:15 A. Yes.		
283:16 - 283:23	<b>Harter, Bruce 2021-02-18_WIT</b>	00:00:22	HB_v12.14
	283:16 Q. Okay. In the course of the		
	283:17 work you were doing for JUUL, you did		
	283:18 communicate with dozens of individuals in the		
	283:19 school community, whether they were		
	283:20 principals or superintendents or other		
	283:21 administrative staff, right?		
	283:22 A. Administrative or even		
	283:23 counselors or teaching staff, yes.		
307:07 - 307:17	<b>Harter, Bruce 2021-02-18_WIT</b>	00:00:35	HB_v12.15
	307:07 Q. And had you come to understand		
	307:08 that JUUL use in the schools was a very		
	307:09 difficult issue for school staff to deal		
	307:10 with?		
	307:11 A. I learned that it was -- it was		
	307:12 problematic to -- for the schools to have to		
	307:13 address.		
	307:14 Q. It was really difficult to		
	307:15 detect for one thing, right?		

**HB\_v12 - HARTER, BRUCE - SFUSD FINAL\_PLAYED 05-03-23**

DESIGNATION	SOURCE	DURATION	ID
	307:16 A. School staff had difficulty, 307:17 yes, detecting it and following up on it.		
314:12 - 314:20	<b>Harter, Bruce 2021-02-18_WIT</b>	00:00:27	HB_v12.16
 HARTER336.1. 1	314:12 Sir, Exhibit 336 is an e-mail  314:13 from you to Rinda Bartley. The subject is 314:14 Checking in - Castro Valley, Saturday, 314:15 January 20th, 2018. And you begin it by 314:16 saying: Rinda, thanks much. I think that 314:17 CVHS is a terrific place for the pilot. 314:18 That's what appears there at 314:19 the top of the page, right? 314:20 A. That's correct.		
315:05 - 316:09	<b>Harter, Bruce 2021-02-18_WIT</b>	00:01:17	HB_v12.17
 HARTER336.1. 2	315:05 Q. If you go to 315:06 the third paragraph on the first page of your  315:07 e-mail there at the top of the page, it says: 315:08 I was over at JUUL yesterday and I've been 315:09 okayed to talk about a technological 315:10 intervention that will take away any doubts 315:11 that we have about JUUL's intention. By the 315:12 end of next month, they will be piloting a 315:13 device that will not only disable JUUL 315:14 products in schools, but also notify the 315:15 administrators where and when they are being 315:16 used. 315:17 They anticipate that the new 315:18 devices will be ready to use during next 315:19 school year. I've never heard of a company 315:20 that would disable its own products to keep 315:21 them away from underage users. While this 315:22 might drive students to using other products, 315:23 it will also put enormous pressure on other 315:24 companies to do what JUUL is doing. These 315:25 new devices will only be available to the 316:01 schools in the educational pilot. 316:02 Do you see what I just read? 316:03 A. I do. 316:04 Q. And you are, again there,		







## HB\_v12 - HARTER, BRUCE - SFUSD FINAL\_PLAYED 05-03-23

DESIGNATION	SOURCE	DURATION	ID
	316:05 describing this Beacon technological		
	316:06 initiative that the JUUL folks had told you		
	316:07 about and that you have described previously		
	316:08 in the deposition today, right?		
	316:09 A. Yes.		
316:19 - 316:25	<b>Harter, Bruce 2021-02-18_WIT</b>	00:00:29	HB_v12.18
	316:19 Q. Okay. The folks at JUUL knew		
	316:20 that you were in the process of making many,		
	316:21 many contacts with individuals in the school		
	316:22 community in connection with this pilot		
	316:23 program, and they gave you permission to tell		
	316:24 these contacts about this Beacon initiative		
	316:25 that seemed to be forthcoming, right?		
317:02 - 317:03	<b>Harter, Bruce 2021-02-18_WIT</b>	00:00:03	HB_v12.19
	317:02 A. To the best of my recollection,		
	317:03 yes.		
317:23 - 318:11	<b>Harter, Bruce 2021-02-18_WIT</b>	00:00:41	HB_v12.20
 HARTER336.1.	317:23 Q. All right. You say here:		
3			
	317:24 These new devices will only be available to		
	317:25 the schools in the educational pilot.		
	318:01 Why was that?		
	318:02 A. That wasn't a decision that		
	318:03 JUUL made. That was something that I was		
	318:04 saying in order to increase the likelihood		
	318:05 that the school might sign up with us.		
	318:06 Q. Okay. All right. So in your		
	318:07 mind, this Beacon device was an incentive to		
	318:08 schools to potentially sign on with this		
	318:09 pilot program?		
	318:10 A. It is the single thing that		
	318:11 schools are most interested in.		
318:24 - 319:04	<b>Harter, Bruce 2021-02-18_WIT</b>	00:00:20	HB_v12.21
 Clear	318:24 This Beacon technological		
	318:25 initiative that JUUL had told you they were		
	319:01 planning and that you had communicated about		
	319:02 to various school contacts, it was the single		
	319:03 most important thing to those school contacts		
	319:04 as far as you could tell?		

**HB\_v12 - HARTER, BRUCE - SFUSD FINAL\_PLAYED 05-03-23**

DESIGNATION	SOURCE	DURATION	ID
319:07 - 320:19	<b>Harter, Bruce 2021-02-18_WIT</b>	00:01:48	HB_v12.22
319:07	A. So let me just clarify. You		
319:08	know, schools are most interested in sort of		
319:09	solving the immediate problem, and what the		
319:10	Beacon did for us was open the door for us to		
319:11	partner with schools to really go after the		
319:12	underlying causes and potential solutions.		
319:13	Because this simply -- turning		
319:14	off JUULs in school wasn't going to address		
319:15	the vaping problem among teenagers. We had		
319:16	to have something more robust, and that's		
319:17	what we felt like we were offering in our		
319:18	pilot was at least a way to open the door to		
319:19	a more robust approach, a more holistic		
319:20	approach that would be ultimately more		
319:21	effective than simply turning off the		
319:22	devices.		
319:23	BY MR. KIEFFER:		
319:24	Q. Okay. Fair enough.		
319:25	And just to follow up on that,		
320:01	and we may get into more detail on it later,		
320:02	you -- was it your belief that to solve the		
320:03	vaping problem in the public schools would		
320:04	require a robust, comprehensive and sort of		
320:05	multifaceted approach?		
320:06	A. That's what we believed, yes.		
320:07	Q. Okay. This Beacon technology		
320:08	was one important component of that approach,		
320:09	but by no means in your mind would it		
320:10	completely address and eliminate the problem,		
320:11	fair?		
320:12	A. That's correct.		
320:13	Q. Okay. But as you said, you		
320:14	found that it was a door-opener, it was an		
320:15	attention-getter, and it caused these school		
320:16	administrators to give you an audience and		
320:17	hear what you had to say, right?		
320:18	A. That's probably a good way to		
320:19	say it, yes.		
447:23 - 448:10	<b>Harter, Bruce 2021-02-19_WIT</b>	00:00:39	HB_v12.23




**HB\_v12 - HARTER, BRUCE - SFUSD FINAL\_PLAYED 05-03-23**

DESIGNATION	SOURCE	DURATION	ID
 HARTER354.2. 1	447:23 Q. All right. Sir, your e-mail,		HB_v12.23
	447:24 which we have marked as Exhibit 354, begins		
	447:25 here on Sunday, May 20th, 2018, and you write		
	448:01 to Julie, Roxy and Ryan, and you state: On		
	448:02 Thursday, Wendell and I met with a team from		
	448:03 Cape Elizabeth High School in Maine, who		
	448:04 asked us several questions on which we'll		
	448:05 need technical assistance in answering. Let		
	448:06 me know if there are others at JUUL that I		
	448:07 should contact to get information to respond		
 HARTER354.2. 2	448:08 to the questions below.		HB_v12.24
	448:09 Do you see that?		
	448:10 A. I do.		
	448:17 - 448:25 <b>Harter, Bruce 2021-02-19_WIT</b>	00:00:22	
	448:17 Q. Doctor, underneath your opening		
	448:18 paragraph in this e-mail, you have seven		
	448:19 separately numbered items, right?		
	448:20 A. That's correct.		
	448:21 Q. And I don't intend to go		
	448:22 through all of them, but in general, some of		
 HARTER354.1. 1	448:23 them raise questions or seek further		HB_v12.25
	448:24 information about this beacon device, right?		
	448:25 A. That's correct.		
	450:09 - 451:16 <b>Harter, Bruce 2021-02-19_WIT</b>	00:01:46	
	450:09 Q. All right. And then if you go		
	450:10 to the first page of the e-mail, about a		
	450:11 third of the way down the page, there's an		
	450:12 e-mail from Julie Henderson, also of		
	450:13 May 30th, 2018, at 10:36 p.m. And it is to		
	450:14 you and to Wendell Greer.		
 HARTER354.1. 3	450:15 And she says: Hi team. Spoke		
	450:16 briefly with Kirk Phelps, VP engineer, today		
	450:17 on this issue, and he reiterated how senior		
	450:18 management opted to take the beacon idea off		
	450:19 the table indefinitely.		



**HB\_v12 - HARTER, BRUCE - SFUSD FINAL\_PLAYED 05-03-23**

DESIGNATION	SOURCE	DURATION	ID
	450:20 He was also very adamant about		
	450:21 us not talking about this item, slash, option		
	450:22 in any of our future presentations and,		
	450:23 slash, or meetings, paren, and admonished me		
	450:24 for discussing it in the past couple of		
	450:25 meetings because of senior management's		
	451:01 decision, which is based on the reasoning		
	451:02 that, one, kids could, slash, would, slash,		
	451:03 might find a way to beat the beacon, and two,		
	451:04 that there isn't a vape detector out there		
	451:05 that really works.		
	451:06 Do you see what I just read?		
	451:07 A. I do.		
	451:08 Q. Doctor, what was your reaction		
	451:09 when you first received this news from		
	451:10 Ms. Henderson about the beacon program		
	451:11 apparently being taken off the table		
	451:12 indefinitely at the direction of senior		
	451:13 management?		
	451:14 A. I don't remember what my		
	451:15 reaction was, but I did share a response to		
	451:16 Julie in the e-mail above.		
451:17 - 452:16	<b>Harter, Bruce 2021-02-19_WIT</b>	00:01:19	HB_v12.26
	451:17 Q. Okay. All right. Well, then		
 HARTER354.1.	451:18 let's read that. Your response to		
4			
	451:19 Ms. Henderson on June 2 of 2018 is as		
	451:20 follows: Julie, apologies for my delay in		
	451:21 responding. The beacon is the door-opener		
	451:22 for conversations with school staff. Without		
	451:23 it, they're simply not interested. Once we		
	451:24 get in the door, we help them see that the		
	451:25 beacon isn't the cure, rather a crutch to use		
	452:01 while the school implements the education and		
	452:02 intervention programs that are effective.		
	452:03 But without the promise of the beacon, we		
	452:04 won't get a listen.		
	452:05 Even if the beacon is easily		
	452:06 subverted, I believe it has great value to		
	452:07 JUUL in demonstrating JUUL's commitment to		

**HB\_v12 - HARTER, BRUCE - SFUSD FINAL\_PLAYED 05-03-23**

DESIGNATION	SOURCE	DURATION	ID
	452:08 youth prevention. It is the single		
	452:09 initiative that distinguishes JUUL from big		
	452:10 tobacco. Bruce.		
	452:11 Did I read that correctly, sir?		
	452:12 A. Yes, you did.		
	452:13 Q. Okay. Did you mean those words		
	452:14 when you wrote them on June 2nd, 2018?		
	452:15 A. I don't usually write things		
	452:16 that I don't mean.		
463:25 - 464:06	<b>Harter, Bruce 2021-02-19_WIT</b>	00:00:05	HB_v12.27
 Clear	463:25 MR. KIEFFER: Mike, can you		
 HARTER355.1.	464:01 pull up document 40.		
2			
	464:02 (Whereupon, Deposition Exhibit		
	464:03 Harter-355, E-mail(s) re:		
	464:04 Demonstration Site & Other Thoughts,		
	464:05 JLI00161115 - JLI00161117, was marked		
	464:06 for identification.)		
469:20 - 470:05	<b>Harter, Bruce 2021-02-19_WIT</b>	00:00:32	HB_v12.28
 HARTER355.1.	469:20 Q. Your e-mail to Ms. Gould of		
1			
	469:21 June 13, 2018, in the first paragraph, it		
	469:22 indicates that you had recently met together		
	469:23 at JUUL?		
	469:24 A. Yes.		
	469:25 Q. And you reference there a		
	470:01 proposal for establishing demonstration sites		
	470:02 for intervention and enforcement at schools		
	470:03 throughout the country, and you're attaching		
	470:04 a draft, right?		
	470:05 A. That's correct.		
470:14 - 470:23	<b>Harter, Bruce 2021-02-19_WIT</b>	00:00:28	HB_v12.29
	470:14 Q. This proposal for establishing		
	470:15 demonstration sites for intervention and		
	470:16 enforcement at schools throughout the		
	470:17 country, why is it you drafted that and put		
	470:18 it together?		
	470:19 A. It was sort of a synthesis of		
	470:20 conversations that Dr. Henderson, Dr. Greer		
	470:21 and I had had about what might be the next		

## HB\_v12 - HARTER, BRUCE - SFUSD FINAL\_PLAYED 05-03-23

DESIGNATION	SOURCE	DURATION	ID
	470:22 steps and how we might go about addressing		
	470:23 the issues of underage vaping.		
472:07 - 472:08	<b>Harter, Bruce 2021-02-19_WIT</b>	00:00:03	HB_v12.30
 HARTER355.1. 3	472:07 Q. All right. Now, in the third		
	472:08 paragraph down		
472:15 - 472:18	<b>Harter, Bruce 2021-02-19_WIT</b>	00:00:06	HB_v12.31
	472:15 You tell Ms. Gould that you		
	472:16 hope that JUUL would resurrect the beacon,		
	472:17 right?		
	472:18 A. That's correct.		
474:24 - 475:03	<b>Harter, Bruce 2021-02-19_WIT</b>	00:00:13	HB_v12.32
	474:24 did you disagree with JUUL's		
	474:25 decision to indefinitely table this beacon		
	475:01 project?		
	475:02 A. Yes, I think we established		
	475:03 that with the last e-mail on June 2nd.		
475:09 - 475:10	<b>Harter, Bruce 2021-02-19_WIT</b>	00:00:04	HB_v12.33
 HARTER355.2. 1	475:09 Q. Let's turn, if we		
	475:10 can, to your demonstration site concept.		
475:24 - 476:01	<b>Harter, Bruce 2021-02-19_WIT</b>	00:00:03	HB_v12.34
	475:24 Q. Do you have that in front of		
	475:25 you, Dr. Harter?		
	476:01 A. I do.		
476:15 - 477:12	<b>Harter, Bruce 2021-02-19_WIT</b>	00:01:16	HB_v12.35
	476:15 As it relates to the		
	476:16 demonstration site concept of Exhibit 355,		
	476:17 big picture, was this basically kind of a		
	476:18 holistic strategy to try to reduce and		
	476:19 eliminate the youth vaping problem in		
	476:20 schools?		
	476:21 A. A couple of things I want to		
	476:22 say about this. One is that it is -- it is		
	476:23 an attempt to move from -- attempting to		
	476:24 address every school and school district,		
	476:25 private school and charter school throughout		
	477:01 the country, to refocusing resources and		
	477:02 strategies on a limited number of schools in		

**HB\_v12 - HARTER, BRUCE - SFUSD FINAL\_PLAYED 05-03-23**

DESIGNATION	SOURCE	DURATION	ID
	477:03 order to have schools where we can point to		
	477:04 and say this is what we know and what works.		
	477:05 Q. Okay.		
	477:06 A. And the second thing I want to		
	477:07 say about it is, is that if you'll notice		
	477:08 here, this is a document that was drafted on		
	477:09 May 9th, and that was before the June 2nd		
	477:10 e-mail in which Julie told Wendell and I that		
	477:11 senior management had moved away from the		
	477:12 beacon.		
477:23 - 477:24	<b>Harter, Bruce 2021-02-19_WIT</b>	00:00:06	HB_v12.36
	477:23 Q. In the first paragraph,		
 HARTER355.2.	477:24 about midway through it, you state: A		
2			
477:25 - 478:22	<b>Harter, Bruce 2021-02-19_WIT</b>	00:01:14	HB_v12.37
	477:25 comprehensive approach including prevention,		
	478:01 intervention and enforcement activities would		
	478:02 create pathways for the schools to solve a		
	478:03 difficult problem while providing JUUL with		
	478:04 model schools that show what it takes to		
	478:05 sufficiently stop vaping as well as have an		
	478:06 impact on the use of other substances not		
	478:07 legal for minors, such as marijuana, alcohol		
	478:08 and opioids.		
	478:09 My question is: Was it your		
	478:10 opinion and belief when you wrote this that,		
	478:11 indeed, to solve the difficult problem of		
	478:12 vaping specifically, it would likely take a		
	478:13 comprehensive approach that would involve		
	478:14 several things, including prevention,		
	478:15 intervention and enforcement?		
	478:16 A. I think if you go back to our		
	478:17 very first meeting with JUUL, that is exactly		
	478:18 what Dr. Greer and I were suggesting, that a		
	478:19 comprehensive approach that included		
	478:20 prevention, intervention and enforcement was		
	478:21 essential to really addressing the problem in		
	478:22 any realistic kind of way.		
479:03 - 479:14	<b>Harter, Bruce 2021-02-19_WIT</b>	00:00:34	HB_v12.38
	479:03 Q. And by that time,		

**HB\_v12 - HARTER, BRUCE - SFUSD FINAL\_PLAYED 05-03-23**




DESIGNATION	SOURCE	DURATION	ID
	479:04 when you put it together in the demonstration		
	479:05 site proposal, you had had the benefit of		
	479:06 having spent a lot of time and effort and		
	479:07 energy over the past few months kind of		
	479:08 learning some of the details of the problem		
	479:09 and fine-tuning some of your proposed		
	479:10 solution strategies, fair?		
	479:11 A. We had talked with a number of		
	479:12 administrators and substance abuse counselors		
	479:13 and others about what the problem was, and we		
	479:14 had learned a great deal about it.		
502:21 - 502:25	<b>Harter, Bruce 2021-02-19_WIT</b>	00:00:18	HB_v12.39
 Clear	502:21 Q. All right. Dr. Harter,		
 HARTER356.1.	502:22 Exhibit 356 is an e-mail string that you were		
1			
	502:23 a part of, along with Julie Henderson and		
	502:24 Wendell Greer, in April of 2018, it looks		
	502:25 like April 16th specifically.		
503:11 - 504:08	<b>Harter, Bruce 2021-02-19_WIT</b>	00:01:10	HB_v12.40
	503:11 Q. Let me turn your		
 HARTER356.2.	503:12 attention to page 2, and look at		
1			
 HARTER356.2.	503:13 Ms. Henderson's e-mail. She states: Good		
2			
	503:14 morning, just wanted to share for later		
	503:15 discussion. After so many comments comparing		
	503:16 us to big tobacco, I opted to research their,		
	503:17 quote, youth prevention programs, end quote,		
	503:18 through a review of public documents		
	503:19 available on UCSF's online collection from		
	503:20 the big tobacco litigation of the 2000s.		
 HARTER356.2.	503:21 The chart below summarizes my		
3			
	503:22 findings after reading only 80 of the 496		
	503:23 available documents. Let's discuss the		
	503:24 implications and next steps. I'm hoping to		
	503:25 meet with Ashley and Kevin to discuss the		
	504:01 existing programming and plans, column 2, and		
	504:02 how our efforts will lead to reduced youth		
	504:03 access and use.		








**HB\_v12 - HARTER, BRUCE - SFUSD FINAL\_PLAYED 05-03-23**

DESIGNATION	SOURCE	DURATION	ID
	504:04 Having just read that e-mail,		
	504:05 Dr. Harter, do you recall having an exchange		
	504:06 with Ms. Henderson on this topic?		
	504:07 A. I don't recall the exchange in		
	504:08 particular, but it is here in front of me.		
504:09 - 504:15	<b>Harter, Bruce 2021-02-19_WIT</b>	00:00:21	HB_v12.41
 HARTER356.2.	504:09 Q. Okay. Before I showed it to		
4	504:10 you, did you have any memory of having		
	504:11 communications with Ms. Henderson or others		
	504:12 about the extent to which JUUL's youth		
	504:13 prevention activities might or might, in the		
	504:14 eyes of some, resemble the tactics of big		
	504:15 tobacco from prior years?		
505:10 - 505:21	<b>Harter, Bruce 2021-02-19_WIT</b>	00:00:32	HB_v12.42
	505:10 A. I do recall having		
	505:11 conversations with Dr. Henderson about the		
	505:12 comparison of -- at least about programs that		
	505:13 were forwarded by big tobacco. I don't		
	505:14 remember specifically what any of those were.		
	505:15 BY MR. KIEFFER:		
	505:16 Q. And do you recall what she told		
	505:17 you about why she was analyzing that topic?		
	505:18 A. Well, what she says here in the		
	505:19 e-mail was that she did that because there		
	505:20 were so many comments comparing what we were		
	505:21 doing to big tobacco.		
517:10 - 517:15	<b>Harter, Bruce 2021-02-19_WIT</b>	00:00:04	HB_v12.43
 Clear	517:10 MR. KIEFFER: Mike, can you		
 HARTER358.1.	517:11 pull up document 29.		
1	517:12 (Whereupon, Deposition Exhibit		
	517:13 Harter-358, E-mail(s) re: Chicago -		
	517:14 Hinsdale, JLI00022479, was marked for		
	517:15 identification.)		
517:16 - 517:16	<b>Harter, Bruce 2021-02-19_WIT</b>	00:00:02	HB_v12.44
	517:16 THE WITNESS: I have it now.		
517:25 - 519:01	<b>Harter, Bruce 2021-02-19_WIT</b>	00:01:13	HB_v12.45
 HARTER358.1.	517:25 Q. All right. This is an e-mail		

**HB\_v12 - HARTER, BRUCE - SFUSD FINAL\_PLAYED 05-03-23**

DESIGNATION	SOURCE	DURATION	ID
2	517:25 Q. All right. This is an e-mail		HB_v12.45
	518:01 string that you were a part of with		
	518:02 Ms. Henderson and Wendell Greer on April 16th		
	518:03 and 17th, 2018, and the subject of it is		
	518:04 Chicago Hinsdale.		
	518:05 And it begins with		
	518:06 Ms. Henderson's e-mail at the bottom of the		
 HARTER358.1.	518:07 page, and she says: Hi, guys. Just spoke		
3			
	518:08 with Ashley, and she shares my concerns about		
	518:09 the optics of us attending a student health		
	518:10 fair, given our new understanding of how much		
	518:11 our efforts seem to duplicate those of big		
	518:12 tobacco.		
	518:13 And in the parenthetical she		
	518:14 says: Philip Morris attended fairs and		
	518:15 carnivals where they distributed various		
	518:16 branded items under the guise of, quote,		
	518:17 youth prevention. And then she goes on to		
	518:18 ask: How strongly do you feel we need to be		
	518:19 there?		
	518:20 You understood when you		
	518:21 received this e-mail from Ms. Henderson that		
	518:22 she apparently reached the conclusion that		
	518:23 indeed there did appear to be some		
	518:24 similarities between JUUL's youth prevention		
	518:25 efforts and those that big tobacco had		
	519:01 engaged in?		
519:03 - 519:05	<b>Harter, Bruce 2021-02-19_WIT</b>	00:00:08	HB_v12.46
	519:03 A. Well, I was aware that there		
	519:04 were some perceived -- that some people		
	519:05 perceived some overlap.		
521:01 - 521:08	<b>Harter, Bruce 2021-02-19_WIT</b>	00:00:27	HB_v12.47
 HARTER358.1.	521:01 In the second paragraph of your		
4			
	521:02 response to Ms. Henderson here in		
	521:03 Exhibit 358, the third sentence, you state:		
 HARTER358.1.	521:04 The unintended consequence is that teenagers		
5			
	521:05 find JUULs irresistible.		



## HB\_v12 - HARTER, BRUCE - SFUSD FINAL\_PLAYED 05-03-23

DESIGNATION	SOURCE	DURATION	ID
	521:06 You had reached that conclusion		
	521:07 based on, what, focus groups you conducted in		
	521:08 part?		
521:11 - 521:13	<b>Harter, Bruce 2021-02-19_WIT</b>	00:00:05	HB_v12.48
	521:11 A. Do you want to just answer the		
	521:12 rest for me? I'd be happy with you doing		
	521:13 that. You heard it all.		
542:13 - 542:19	<b>Harter, Bruce 2021-02-19_WIT</b>	00:00:04	HB_v12.49
 Clear	542:13 MR. KIEFFER: Mike, can you		
 HARTER364.1.	542:14 pull up document 131, please.		
1			
	542:15 (Whereupon, Deposition Exhibit		
	542:16 Harter-364, E-mail(s) re: Materials		
	542:17 for tomorrow's discussion,		
	542:18 JLI-HOR-00155718 - JLI-HOR-00155723,		
	542:19 was marked for identification.)		
543:14 - 543:16	<b>Harter, Bruce 2021-02-19_WIT</b>	00:00:09	HB_v12.50
 HARTER364.4.	543:14 In Exhibit 364, if you would go		
1			
	543:15 to the fourth page. It has a number in the		
	543:16 lower right corner that ends in 5721.		
543:17 - 543:17	<b>Harter, Bruce 2021-02-19_WIT</b>	00:00:02	HB_v12.51
	543:17 A. I can see that.		
543:18 - 544:20	<b>Harter, Bruce 2021-02-19_WIT</b>	00:01:17	HB_v12.52
	543:18 Q. at the		
	543:19 bottom of that page, lower half, I guess,		
 HARTER364.4.	543:20 there's an e-mail from Julie Henderson dated		
2			
	543:21 June 5th, 2018. It's to Wendell Greer and		
	543:22 you, and it looks like maybe some others that		
	543:23 have been redacted, and the subject is:		
	543:24 Materials for tomorrow's discussion.		
	543:25 Do you see where I'm at?		
	544:01 A. I do.		
 HARTER364.4.	544:02 Q. Okay. And she says: Good		
3			
	544:03 morning. A few quick articles and internal		
	544:04 docs attached to help inform our discussion		
	544:05 tomorrow. Please forgive the lengthy e-mail.		

## HB\_v12 - HARTER, BRUCE - SFUSD FINAL\_PLAYED 05-03-23

DESIGNATION	SOURCE	DURATION	ID
 HARTER364.4. 4	544:06	We've got a lot to cover in 90 minutes.	
	544:07	Thank you.	
	544:08	And then directing your	
	544:09	attention under the boldface heading, which	
	544:10	is entitled: Background articles for current	
	544:11	internal discussions re: education and youth	
	544:12	prevention, she states: Please read abstract	
	544:13	for the first article if you don't have time	
	544:14	to read the whole thing, and note how the	
	544:15	second article is eerily similar to our chart	
	544:16	of youth prevention programs versus those	
	544:17	from big tobacco.	
	544:18	Do you see where I'm reading	
	544:19	from there?	
	544:20	A. I do.	
545:01 - 545:09	<b>Harter, Bruce 2021-02-19_WIT</b>	00:00:25	HB_v12.53
	545:01 Q. Okay. Do you have any memory		
	545:02 of Ms. Henderson sharing the thought that		
	545:03 there were some eerie similarities between		
	545:04 JUUL youth prevention programs and those of		
	545:05 big tobacco?		
	545:06 A. I don't have any memory of this		
	545:07 particular e-mail or the topics that are in		
	545:08 here or the meeting that happened the day		
	545:09 following.		
573:25 - 574:04	<b>Harter, Bruce 2021-02-19_WIT</b>	00:00:08	HB_v12.54
 Clear	573:25 I		
	574:01 think those are all the questions I		
	574:02 have at the moment. I'm going to pass		
	574:03 the witness to Mr. Kiesel for some		
	574:04 questions.		
574:05 - 574:06	<b>Harter, Bruce 2021-02-19_WIT</b>	00:00:02	HB_v12.55
	574:05 MR. KIESEL: Thank you very		
	574:06 much.		
608:14 - 608:19	<b>Harter, Bruce 2021-02-19_WIT</b>	00:00:04	HB_v12.56
 Clear	608:14 Let me pull up another exhibit,		
 HARTER373.1.	608:15 this is going to be L17.		
1			

**HB\_v12 - HARTER, BRUCE - SFUSD FINAL\_PLAYED 05-03-23**

DESIGNATION	SOURCE	DURATION	ID
	608:16 (Whereupon, Deposition Exhibit 608:17 Harter-373, E-mail(s) re: E-cigarette 608:18 Epidemic, JLI0385454, was marked for 608:19 identification.)		
609:09 - 610:03	<b>Harter, Bruce 2021-02-19_WIT</b>	00:00:54	HB_v12.57
 HARTER373.1. 2	609:09 Is Captain Young someone that  609:10 you were familiar with? 609:11 A. No. 609:12 Q. And do you know how you got 609:13 Captain Young's message -- sorry, e-mail? 609:14 A. So Dr. Greer and I were 609:15 exhibitors at the California police chiefs 609:16 annual conference, and one of the things the 609:17 exhibitors got as a result of being 609:18 exhibitors was the list of those who were 609:19 attending. 609:20 And so I think I sent this out 609:21 to those who were attending who had provided 609:22 their e-mail address -- I don't believe all 609:23 of them did -- and invited them to come talk 609:24 with us at the booth that Dr. Greer and I 609:25 staffed that day. 610:01 Q. And I take it, was that a 610:02 JUUL-sponsored booth? 610:03 A. Yes.		
614:10 - 614:15	<b>Harter, Bruce 2021-02-19_WIT</b>	00:00:13	HB_v12.58
	614:10 Q. The message here to Captain 614:11 Young -- Captain Young actually is an 614:12 officer, right? 614:13 A. Captain Young was a police 614:14 officer who was attending this conference, 614:15 yes.		
614:24 - 615:22	<b>Harter, Bruce 2021-02-19_WIT</b>	00:01:22	HB_v12.59
 HARTER373.1. 3	614:24 Q. And your reference here is  614:25 there's an abuse in our schools and 615:01 communities that's spreading like "wildfire." 615:02 Was that your word or a word 615:03 that you heard used at JUUL?		

**HB\_v12 - HARTER, BRUCE - SFUSD FINAL\_PLAYED 05-03-23**

DESIGNATION	SOURCE	DURATION	ID
 HARTER373.1. 4	615:04 A. I actually -- I actually don't		
	615:05 remember. My goal here was just to raise		
	615:06 people's level of concern so they might want		
	615:07 to talk to us, so it might have been		
	615:08 hyperbolizing as far as I know.		
	615:09 Q. And again, you make reference		
	615:10 here to over the last 18 months, the problem		
	615:11 has grown to epidemic proportions in school		
	615:12 lavatories, hallways, even classrooms, as		
	615:13 well as at community centers and other places		
	615:14 where young people congregate.		
	615:15 Is that information that was		
	615:16 provided to you that you used in this e-mail?		
	615:17 A. That was information that I had		
	615:18 gleaned from talking with -- you know,		
	615:19 primarily with school administrators, but		
	615:20 also from my conversations around Richmond,		
	615:21 California, with, you know, staff at		
	615:22 community centers and so forth.		
615:23 - 616:02	<b>Harter, Bruce 2021-02-19_WIT</b>	00:00:08	HB_v12.60
	615:23 Q. And did Captain Young ever get		
	615:24 in touch with you to see if he could be of		
	615:25 any further assistance?		
	616:01 A. I don't recall meeting Captain		
	616:02 Young.		
631:01 - 631:06	<b>Harter, Bruce 2021-02-19_WIT</b>	00:00:09	HB_v12.61
	631:01 MR. KIESEL: We had a		
	631:02 discussion off the record. I'm		
	631:03 pleased to say that I have no further		
	631:04 questions of this witness at this		
	631:05 time, so we'll pass the ball over to		
	631:06 the defense.		
633:15 - 633:19	<b>Harter, Bruce 2021-02-19_WIT</b>	00:00:10	HB_v12.62
	633:15 Q. And how long did you say you		
	633:16 consulted for JUUL?		
	633:17 A. I consulted from -- really from		
	633:18 December of 2017 until about the end of July		
	633:19 in 2018.		

**HB\_v12 - HARTER, BRUCE - SFUSD FINAL\_PLAYED 05-03-23**

DESIGNATION	SOURCE	DURATION	ID
770:24 - 771:01	<b>Harter, Bruce 2021-02-19_WIT</b>	00:00:03	HB_v12.63
770:24	MR. KIEFFER: That's all the		
770:25	questions that we have. Thank you,		
771:01	Dr. Harter.		

PLF AFFIRMATIVE	00:27:57
DEF COUNTER	00:00:10
<b>TOTAL RUN TIME</b>	<b>00:28:07</b>



Documents linked to video:

HARTER336

HARTER354

HARTER355

HARTER356

HARTER358

HARTER364

HARTER373

## **EXHIBIT 2**



[Submitting Counsel on Signature Page]

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

**IN RE JUUL LABS, INC.,  
MARKETING, SALES PRACTICES,  
AND PRODUCTS LIABILITY  
LITIGATION**

**Case No. 19-md-02913-WHO**

**JOINT STIPULATION IDENTIFYING  
TRIAL EXHIBITS USED IN THE  
VIDEOTAPED DEPOSITION OF BRUCE  
HARTER PLAYED AT TRIAL**

**This Document Relates to:**

***San Francisco Unified School District v.  
Juul Labs, Inc. et al., Case No. 3:19-cv-  
08177***

**WHEREAS**, Plaintiff called Bruce Harter, whose videotaped deposition was played to the jury.

**WHEREAS**, the exhibit numbers in the videotaped deposition are different from the Trial Exhibit numbers.

**WHEREAS**, to most efficiently clarify the record, the parties, by and through their undersigned counsel, hereby stipulate and agree that the chart below accurately reflects the deposition exhibits introduced during the videotaped testimony of Bruce Harter and the corresponding Trial Exhibit Numbers<sup>1</sup>:

<sup>1</sup> The parties reserve all objections regarding these exhibits.



Respectfully submitted,

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